

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,
Respondent/Plaintiff
v.
Frank Phillip Goldstein,
Petitioner/Defendant

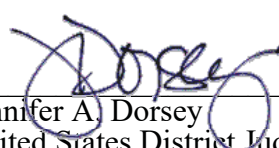
2:10-cr-00525-JAD-PAL

Order Directing Response

On December 21, 2016, petitioner Frank Phillip Goldstein filed a § 2254 motion to vacate his §924(c) conviction and sentence, arguing that they are no longer valid in light of the United States Supreme Court's decision in *Johnson v. United States*,¹ in which the Court held that the ACCA's residual clause is unconstitutionally vague.² Rule 4 of the Rules Governing Section 2255 Cases in the United States District Courts directs me to promptly examine § 2255 motions and, unless it plainly appears that the movant is not entitled to relief, direct the government to file a response. Having reviewed Goldstein's motion and the record in this case under this standard, I find that a response is warranted.

IT IS HEREBY ORDERED that **the government must file a response to Goldstein's motion [ECF No. 215] by February 19, 2017.** Goldstein will have 30 days from service of the government's response to file a reply.

Dated this 4th day of January, 2017.



Jennifer A. Dorsey
United States District Judge

¹ *Johnson v. United States*, 135 S. Ct. 2551 (2015).

² ECF No. 215.